

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
SEPTEMBER 6, 2006**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held a regular meeting on September 6, 2006, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

**Wednesday, September 6, 2006**

***CALL TO ORDER***

Chair Keith Travis called the meeting to order at 9:30 a.m.

***ROLL CALL***

Present for the meeting were Kaye Baird, Joe Brothers, Jeanne Ferguson, Bonnie Lash Freeman, Judy Gibbons, Doug Hubbard, Keith Travis, Janna Vice and David Webb. C.B. Akins joined the meeting at 9:36 a.m. Absent were Tom Layzell and David Rhodes.

***ANNOUNCEMENTS***

Chair Keith Travis announced the following:

- Secretary Laura Owens was welcomed to the meeting and congratulated on her new position.
- It was indicated that a closed session would need to be added to the agenda. Thus, David Webb moved to add this to the agenda and Judy Gibbons seconded the motion. The motion carried.
- It was proposed that the Board have a resolution drafted in support of the September 12 attendance effort by the Kentucky Directors of Pupil Personnel. Doug Hubbard moved for such a resolution be drafted and distributed and Kaye Baird seconded the motion. The motion carried.
- Lunch would be squeezed down to 45 minutes due to the amount of business to be dealt with at the meeting.

## ***DISCUSSION OF REVISIONS TO THE ACCOUNTABILITY SYSTEM***

Coming forward for this discussion were Commissioner Gene Wilhoit, Deputy Commissioner Linda France, Associate Commissioner Pam Rogers, Division Director Rhonda Sims and Division Director Kevin Hill. Commissioner Wilhoit began by explaining that the previous work presented in August with the puzzle pieces of academic index, nonacademic index and NRT index would be used to continue the discussion on the proposed accountability changes. However, he noted that staff would be narrowing the specificity this time and making recommendations. He went on to say staff has talked to constituencies out in the field and has data to report from that discussion. At this point, Associate Commissioner Pam Rogers handed out the survey results from consulting various constituencies and said that the responses ranged from 3.21 to 2.46. Wilhoit continued that he did present the accountability proposals to the Education Assessment and Accountability Review Subcommittee last week and felt the group generally thought the proposals were on track. He noted that the subcommittee said they would be interested in the Board's conversation today.

David Webb then cautioned on how the survey results are used due to the small number surveyed.

C.B. Akins asked if there was any discussion on the equal weighting of reading and math within the survey.

Commissioner Wilhoit replied there was no specific discussion on this but noted that the Department has heard these two areas are more important than the others. He went on to say that reading is traditionally recognized as a gateway skill but pointed out the recognition of the lack of achievement in mathematics. The commissioner felt that most people feel that an emphasis on reading and math provides the possibility to bring greater focus in the mathematics area.

At this point Commissioner Wilhoit began a PowerPoint presentation to present the issues requiring discussion at today's meeting as follows:

- The driving forces for change to the accountability system included the Seven Steps Forward in Assessment, alignment with the federal *No Child Left Behind Act*, the new test design and Senate Bill 130.
- The first issue in the weight category of the academic index was whether the weight of reading and mathematics should be increased at the elementary and middle school levels. Legal parameters for this issue were discussed and a recommendation was made to increase the weights for reading and mathematics to 21 percent for reading and 21 percent for mathematics at elementary and 19 percent for reading and 19 percent for mathematics at middle school. The rationale for the recommendation was that this values the broad curriculum exposure of all content areas by their inclusion in the accountability formula and recognizes the annual assessment of reading and mathematics in grades 3 through 8 as required by *No Child Left Behind*.

Commissioner Wilhoit commented that the dilemma is that we don't want to send a message that the other content areas aren't important, yet if one does not master reading and mathematics, problems exist from there on out in students' career.

David Webb asked why a question was not asked on the survey about writing weights. Pam Rogers responded that staff thought the Board previously made a 50/50 decision in that area for weighting. Rhonda Sims added that staff did ask about the overall weighting in all areas.

David Webb then asked why staff was recommending to delete the norm-referenced test. Commissioner Wilhoit responded that it came from a previous Board discussion. He reminded Board members that the law does not require this at a specific grade level and explained that previously Kentucky did not have anything at grade 3. However, he indicated now the Kentucky Core Content Test will cover reading and mathematics in grade 3 and the question exists as to whether a norm-referenced test is also needed at that level.

Joe Brothers commented that the bottom-line question is whether reading and mathematics are properly weighted to bring focus on these two areas.

Commissioner Wilhoit agreed that this is the central issue and said that staff feels these weights are on target. The Commissioner emphasized that it is one thing to get educators attention, but stated there will also need to be improvements in instruction.

At this point, several Board members expressed that they would like to keep the norm-referenced test (NRT) because it is something the average person on the street wants to know. It was suggested that some percentage be taken from other content areas and be assigned to an NRT.

Commissioner Wilhoit said he understood that the majority of the Board was expressing a concern over no NRT being present in the elementary level and assured members that staff would come back in October with a proposal to include an NRT at a similar weight as before by taking some percentage points from several content areas.

Board members did ask that no percentage points be taken away from arts and humanities in order to find points to assign to the NRT.

Commissioner Wilhoit commented that he did not want to mislead the Board on the NRT and stated while parents get a comfort from a percentile score, he would never recommend the use of an NRT as a sole measure to make a judgment about a student. Wilhoit went on to say there are limits on what an accountability index can do and emphasized staff must focus on improving skills of teachers and administrators.

Chair Travis then pointed out that the Board will need to know from the National Technical Advisory Panel on Assessment and Accountability if changing the weights to the degree recommended will throw the system out of sync.

- The next issue had to do with measurement within the academic index. The Board considered if accountability calculations should include a measure of growth using grade-to-grade assessments in reading and mathematics (grades 3-8) when longitudinal data is cumulated. This was targeted at the elementary and middle school levels. The Board looked at the legal parameters relating to the issue. Staff recommended that beginning immediately with accountability taking effect when two years of data are available, to include a growth measure as part of the reading and mathematics indices. The rationale for the recommendation was that it honors the statutory requirement for a longitudinal measure in the assessment program and it recognizes school-level progress toward goal attainment.

Rhonda Sims reminded the Board that this feature of a measure of growth would have to be approved by the U.S. Department of Education (USDOE). Chair Travis asked if the USDOE was receptive to this and Sims indicated that only two states had been approved so far for this component. Commissioner Wilhoit added that he thought in the future, there would be more acceptance of this particular approach.

Janna Vice then asked the Commissioner if he ever thought there would be a time when the longitudinal component would replace school accountability. Commissioner Wilhoit replied that he thought both approaches are necessary in a good model because there needs to be a goal set for the school to reach as well as progress indicators for students.

There was consensus from the Board to include a measure of growth in the changes to the accountability system.

- The next issue dealt with weight within the academic index on whether focus on all content areas should be maintained. Legal parameters were discussed and the staff recommendation was to retain equal weights for the content areas of reading, mathematics, science, social studies, and writing and a combination of arts/humanities and practical living/vocational studies. The rationale for the recommendation was that it values the broad curriculum exposure of all content areas through equal inclusion in the accountability formula.

Some discussion occurred about the importance of reading, writing, and mathematics as top priorities and whether emphasis should be given to the other content areas. However, it was pointed out that those going to college or the military must have science and social studies and these must be weighted to show their importance. Through a show of hands, it was determined that the focus on all content areas should be maintained.

- The next issue was a measurement issue within the academic index at the high school level and involved whether items from the ACT should be utilized and augmented with items from the Kentucky Core Content Test to calculate indices for reading, mathematics, science and on-demand writing. Legal parameters for this issue were discussed and staff recommended that beginning in 2008, after the first administration of the ACT, to utilize aligned items from the ACT and augment these with Kentucky Core Content Test items to calculate indices for reading, mathematics, science and on-demand writing. The rationale was that it provides for efficiency in testing by reducing redundancy, maintains a standards-based accountability system and allows Kentucky to comply with federal requirements.

Commissioner Wilhoit indicated that the analysis of reading, math and science from the ACT will produce the percentage of match between these areas and Kentucky standards. He noted that the work will actually determine how much match exists and how much of the ACT can be used for accountability.

Consensus from Board members was to proceed with utilizing items from ACT and augmenting it with items from the Kentucky Core Content Test to calculate indices for reading, mathematics, science and on-demand writing.

- The next issue had to do with weight within the NRT index and whether a norm-referenced index should be included at the elementary and middle school levels. Legal parameters were discussed and the recommendation from staff was not to include a norm-referenced index and redistribute the 5 percent to all content areas. The rationale included that it provides for efficiency in testing by reducing redundancies in reading and mathematics assessments in grades 3-8 and that it does not utilize EXPLORE, a non-secure test form.

Commissioner Wilhoit noted that if the Board wants an NRT at the middle school, a commercially developed assessment could be used.

David Webb was in favor of using an NRT and Keith Travis felt that middle school is a critical point for transition. Travis summarized that the Board's desire is to include an NRT with the question of where to place it most appropriately yet to be resolved.

- The next area was related to weight of the NRT index and whether a national comparison measure using norms should be included at the high school. Legal parameters were discussed and the recommendation was to assign the 5 percent weight of the NRT index to a new national comparison index, a value calculated using normative data. The rationale for this was that it values the student composite data from PLAN and ACT and provides a national comparison.

Bonnie Lash Freeman felt that the Department and Board needed to find a way to communicate the message that ACT will be counted more than 5 percent.

Commissioner Wilhoit responded that the Department's proposals are clearly a direct response to Senate Bill 130 and that the Education Assessment Accountability Review Subcommittee generally supported the proposals that he presented to them last week.

Board members were generally comfortable with using a national comparison measure.

- The next issue was related to measurement in the NRT index and focused on whether national comparisons of PLAN and ACT composite scores should be included. The staff recommendation was that in 2007, after the first administration of PLAN in the fall of 2006, generate the national comparison index (NCI) based solely on PLAN. After the first administration of ACT in 2007-08, generate the NCI index by combining PLAN and ACT results. The rationale for the recommendation was that it values the student composite data from PLAN and ACT and provides a national comparison.

Board members supported this concept.

- The next issue had to do with weight in the nonacademic index and whether the total weight of the nonacademic index and distribution of weights within the index should be changed. Legal parameters were discussed and the staff recommendation was to change the total weight distribution of weights within the nonacademic index with elementary being 3 percent, middle school being 3 percent and high school being 11 percent. The rationale was that this honors the statutory requirements for nonacademic factors, but uses new methods to measure these factors that better define school performance.

Commissioner Wilhoit said that there are not major issues in elementary school in this area but noted they begin to surface at middle school and then become full-blown in high school. He felt the biggest concern was the successful transition factor and reflecting a measure that is indicative of true transition.

Keith Travis suggested that it might be better to put attendance within SEEK and take it out of the accountability.

C.B. Akins questioned why attendance would be counted more at the elementary school in the calculations if it's less problematic at that level. He suggested the percentages need to deal with where the problems exist. Associate Commissioner Pam Rogers indicated that staff would look at the issue and rethink these percentages.

Janna Vice suggested that instead of calling it nonacademic index, the terms transition index or preparation index could be considered.

The consensus of the Board was to re-examine the numbers and make corrections to deal with where the problem areas exist.

- The next issue had to do with measurement in the nonacademic index and how attendance should be measured. The recommendation from staff was that beginning in 2008, benchmarks should be set for individual student attendance. The rationale for this included that it reinforces the individual work ethic and the importance of being engaged in the learning process by setting individual student targets based on days in school and on-time behavior, expands the factor of attendance beyond the current percent of attendance that is the basis of average daily attendance in the SEEK formula, promotes attention to students that have chronic problems and recognizes schools that successfully address these issues, and supports Kentucky Statute 159.150 regarding truancy policies. The proposed attendance rate calculation submitted for consideration was the number of students with fewer than three unexcused absences plus the number of students with less than three unexcused tardies divided by twice the total of number of students.

Associate Commissioner Pam Rogers explained that staff is trying to get a better discrimination with the calculations for attendance and retention. She noted that on the survey there was a lot of push back on this particular recommendation from the field. Rogers explained that some people felt that the interpretation of excused and unexcused absences is very wide and that if the state is going to go to something like this recommendation, it needs to define what those terms mean.

Keith Travis suggested that if excused and unexcused is open to interpretation that staff stick to an absolute number as is done in industry. He commented that he liked tying attendance to SEEK and the flow of money.

Joe Brothers emphasized that good attendance in the work place starts in school.

Commissioner Wilhoit noted staff is trying to get at the need for adults to say to students that it is important to be at school and be there on time. He felt the suggestion to use an absolute number was a good one and suggested that staff look at industry standards as one piece of data.

- Moving on to the next issue, staff indicated it had to do with measurement in the nonacademic index and whether retention at elementary and middle school and dropout at middle school should be captured in a rate that reflects the number of years students use to complete each school level. Staff recommended that beginning in 2008, completion rate (number of years a student spends in each grade span) be used to capture both retention and dropout rates. The rationale for this recommendation was that it honors statutory requirements for nonacademic factors, but uses new methods to measure factors that better define school performance. For the elementary level it was proposed that one percent retention equaling 99 percent completion rate be used and at middle school that one percent retention plus .5 dropout equal 98.5 percent completion rate.

Pam Rogers conveyed that in the survey a concern was expressed from the field about allowing 5 years to complete elementary if necessary.

Joe Brothers commented that we don't have a lot of mandatory intervention currently and perhaps we need to look at ways to intervene.

Commissioner Wilhoit said that in the interim between now and the next meeting, staff can have school personnel look at this measure and come back with a proposal.

- The next issue was in the area of measurement in the nonacademic index as to whether beginning in 2007-2008 if the graduation rate should be used to capture both dropout and retention at the high school level. Legal parameters were discussed for this issue and the staff recommendation was that beginning in 2008, graduation rate should be used to capture both dropout and retention. The rationale for the recommendation included that it uses NCLB-required graduation rate to report Kentucky statutory requirements of dropout and retention factors and that it values progress in school programs that assist students in completing the K-12 experience not permitted under NCLB. For a proposed graduation rate calculation, staff indicated inclusion of the NCLB graduation rate calculation that is currently generated by dividing the number of on-time completers (4-year graduates) by all completers plus dropouts across four years. They also suggested that CATS graduation credit be given for 5-year graduates, 3-year graduates, students completing the secondary GED and students receiving certificates of attainment, with a 1 percent cap. Staff went on to say that the NCLB graduation rate plus CATS graduation credits would equal 4 percent.

Keith Travis asked how this would play out if one compared the current graduation rate to this new method.

Commissioner Wilhoit responded that we are currently using the NCES definition and stated this new method would be more stringent.

Rhonda Sims added that the way the graduation rate is calculated stays constant but explained that for accountability purposes we would value additional things.

Commissioner Wilhoit went on to say that we need to do a better job of reporting graduation rate because people get confused when they hear dropout rate thinking that it is the graduation rate.

Pam Rogers noted that the survey results showed more support on this proposal than on the previous two.

- The next issue was one of measurement in the nonacademic index and concerned whether ACT, WorkKeys and Advanced Placement exams should be included as measures of successful transition to adult life. Legal parameters affecting this issue were shared and the recommendation from staff was beginning in 2007-



2008, utilize ACT, WorkKeys and Advanced Placement exams as measures of successful transition to adult life. The rationale for this recommendation included that it allows Kentucky to recognize new data that will be available in the assessment system for measures of transition to adult life and promotes successful completion of advanced placement courses based on student performance on AP exams and successful participation of students from low socio-economic status. The proposed transition rate calculation information included a category score where every student may earn credit for the school in no more than one category. The categories were as follows:

- Category 1: Students reaching the ACT reading postsecondary benchmark of 18 and the ACT mathematics postsecondary benchmark of 19.
- Category 2: Students earning a WorkKeys Employability Certification (Kentucky gold or silver levels) or students earning state or national skills standards certification.
- Category 3: Students receiving military acceptance.

The credit category for additional points would be given for scores on advanced placement exams of 3-5, for ACT mathematics score of 22 or above and for students with low SES status reaching ACT benchmarks. The category score plus the items under the credit category would equal transition rate (5.5%).

Associate Commissioner Pam Rogers indicated that this new method would be a real departure from the way transition to adult life was calculated before because it focuses on whether students are ready when they leave high school.

Bonnie Lash Freeman said she liked the fact that schools would be in more control of the factors. Then, she asked if Individual Learning Plans should be included here.

Deputy Commissioner Linda France said that staff struggled with how to include the Individual Learning Plan and would like to work on some way of factoring it in.

Commissioner Wilhoit commented that the real dilemma with the Individual Learning Plan is how to take something that previously was just a sign-off mechanism and turn it into a tool for moving students toward success.

C.B. Akins pointed out that counseling is a weak link in schools, especially for low socio-economic students. He asked how we can ensure that the Individual Learning Plan is used.

Commissioner Wilhoit replied that staff is not quite there yet with coming up with a way to ensure that it is used the way it is intended.

Bonnie Lash Freeman then suggested that perhaps PTA and council representatives could be invited to the Individual Learning Plan trainings.

Commissioner Wilhoit brought the discussion to a close by saying that staff will go back to the field to seek more input, since we now have more guidance from the Board, and then will bring draft regulations to the meeting in October.

Janna Vice indicated that she felt more specific feedback from district assessment coordinators was needed on the transition piece.

Joe Brothers stated that since quite a few adjustments are being made it could affect the validity and reliability of the test.

Commissioner Wilhoit responded that staff knows it will have to do equating studies from the old to the new test in order to draw relationships for accountability. He also said that advice is being sought from the National Technical Advisory Panel on Assessment and Accountability.

### ***DISCUSSION OF RECOMMENDATIONS FROM THE SCHOOL FACILITIES EVALUATION TASK FORCE***

Associate Commissioner Kyna Koch came forward to update the Board on the recommendations from the School Facilities Evaluation Task Force and their study of the school facilities area. She gave a PowerPoint presentation that presented the following:

- The Kentucky Department of Education was mandated by House Bill 380 to conduct a comprehensive evaluation of the current facilities planning process, the process for categorizing schools, major plant maintenance, the process used to determine unmet need and the degree of equity in distribution of state facility funds.
- The study must involve superintendents, finance officers, facility managers, other local school personnel, consultants and others as deemed appropriate.
- The Kentucky Department of Education established a School Facilities Evaluation Task Force consisting of eight superintendents, five finance officers, five facility managers, two local district personnel, two architects, one fiscal agent, three School Facility Construction Commission members and one representative of the Education Cabinet.
- The Task Force was subdivided into four subcommittees to address categorizing schools, determining unmet need, maintenance and facility planning process.
- The membership of each of the subcommittees was indicated along with their position and school district or organization. Also, the distribution of the members from across the state were shown using a Kentucky map.
- The fifth area of study, the degree of equity and distribution of funds, is being addressed through a contract with Lawrence O. Picus and Associates.

- Recommendations of the categorizing schools subcommittee are as follows:
  - Standardized building condition evaluations with a numerically weighted formula that takes into account not only the condition of the building but the educational stability of the facility.
  - Provide separate categories of the evaluation for Americans with Disabilities Act and life safety requirements.
- The recommendations of the maintenance subcommittee are as follows:
  - Districts should initiate a state-approved maintenance program to be defined in three tiers.
  - The Kentucky Department of Education should develop best practices.
  - Professional development should be required for facilities officers.
- The recommendations of the planning process subcommittee were as follows:
  - The district facility plan must be revised every four years with no waivers being allowed.
  - The Kentucky Department of Education should develop best practices for planning.
  - The local board of education members shall be required to attend the orientation session of the local planning committee.
  - Continuing education should be provided for architects, engineers, construction managers and local personnel in the planning and construction process. The re-certification process is to be developed for architects, engineers and construction managers.
  - Maximum school sizes should be established.
  - A revision to the construction process to require more involvement of the Kentucky Department of Education in setting appropriate expectations for the project before local decisions have been made should occur.
- The recommendations from the unmet need subcommittee were as follows:
  - Revise the use of the R.S. Means data to include a multiplier for soft costs and potential consideration for site preparation. Re-evaluate this on an annual basis.

- Modify the 75% rule for capacity calculations for renovations.
- Initiate a facilities watch list.
- High growth districts may use restricted funds for operations in the first biennium of a new facility.
- Key dates that apply to the report from the School Facilities Evaluation Task Force include:
  - September 12 – Planning Subcommittee meeting
  - September 14 – Data review for entire Task Force, to include the review of the equity study
  - September 15 - Preliminary report due
  - September 25 – Task Force meets for final review of report
  - September 30 – Final report due to the legislature

Ms. Koch indicated that there was a very tight timeframe set within the budget bill for this study and the generation of the report. She noted that the Picus study draft on equity should be in the Department's hands by Friday in time for it to be incorporated into the Task Force's final report. Koch went on to comment that there are a lot of Kentucky Board of Education and Kentucky Department of Education should dos or will dos within the report that will require resources. She reminded the Board that she only has only five full-time staff in this area. However, Koch explained that the Task Force was encouraged to ignore resources and make their recommendations based on what is actually needed. She stated that the Board will have to deal with the resources that will be needed in the 2008-2010 budget.

Following Ms. Koch's presentation on the work of the Task Force, a short discussion occurred about the issue of having model plans/shelf plans. Some members of the Task Force were present to express why they did not recommend this approach.

To close out this discussion, Keith Travis asked that Ms. Koch keep the Board apprised of how the legislature is dealing with the report and emphasized the Board is looking for ways to increase efficiency in the facilities area.

### ***DECLARATION OF EMERGENCY FOR THE FRANKFORT INDEPENDENT SCHOOL DISTRICT***

Associate Commissioner Kyna Koch said that staff is asking for a declaration of emergency for Frankfort Independent because they were deficit as of June 30. She indicated that management assistance staff are already in the district working.

At this point Doug Hubbard moved to declare an emergency in the Frankfort Independent School District and Bonnie Lash Freeman seconded the motion. The motion carried.

***DISCUSSION OF FINAL CHANGES TO THE KENTUCKY BOARD OF  
EDUCATION STRATEGIC PLAN***

Commissioner Wilhoit asked for final comments or changes on the Strategic Plan.

Joe Brothers asked that the typo in the last line on page eight be removed. Then, he moved approval of the Strategic Plan and Kaye Baird seconded the motion. The motion carried.

***CLOSED SESSION***

C.B. Akins moved to enter into closed session to discuss personnel and Doug Hubbard seconded the motion. The motion carried. The Board entered into closed session at 3:15 p.m.

The Board came out of closed session at 4:24 p.m. on a motion by C.B. Akins and a second by Doug Hubbard. The motion carried. No business was conducted during the closed session.

***ADJOURNMENT***

At 4:25 p.m., the Board adjourned upon a motion by Kaye Baird and a second by Judy Gibbons. The motion carried.